IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 11TH MAY 2007 / 21ST VAISAKHA 1929

WP(C).No. 14845 of 2007(P)

PETITIONER:

HILALUDHEEN, S/O.ABOOBACKER,
AGED 20 YEARS, VENNAKOTTUKUZHIYIL HOUSE,
PUTHOOR P.O., KODUVALLY.

BY ADV. SRI.SUNNY MATHEW

RESPONDENTS:
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1. THE TAHSILDAR, ERNAD.

2. THE DISTRICT COLLECTOR, MALAPPURAM.

3. THE SUB INSPECTOR OF POLICE,
AREACODE POLICE STATION.

4. STATE OF KERALA, REPRESENTED BY THE
CHEIF SECRETARY TO GOVERNMENT,
SECRETARIAT, TRIVANDRUM.

BY GOVERNMENT PLEADER SRI.T.B.HOOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 14845 OF 2007
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Dated this the 11th day of May, 2007

J U D G M E N T

The petitioner claims to be the registered owner of a lorry bearing registration No.KL 10C 2338. It is stated that on 28/4/2007, the first respondent herein seized the vehicle along with river sand that was transported in the lorry and thereupon a mahazar was prepared, which is produced as Ext.P2. Petitioner further states that on seizure of the truck, the same has been entrusted with the 3rd respondent for safe custody. In the aforesaid circumstances, this writ petition has been filed seeking a direction to the 3rd respondent to grant interim custody of the vehicle to the petitioner along with the river sand.

2. Obviously steps initiated against the petitioner are in pursuance to the provisions contained in the Kerala Protection of River Banks and Regulations of Removal of Sand Act, 2001. In terms of Rule 27 of the rules framed thereunder, a vehicle seized is liable to be returned to the owner of the vehicle on remittance of an amount towards River Management Fund equal to the price fixed by the District Collector along with fine within seven days of

seizure. Now that the vehicle has been seized, obviously, the procedure as contemplated in Rule 27 has to be completed. Accordingly, I direct the second respondent to exercise his powers under Rule 27(3) of the rules and pass orders as contemplated therein within a period of ten days from the date of production of a copy of this judgment. Thereafter depending upon the compliance with the order so passed, the vehicle in question shall be released to the registered owner.

3. Petitioner is directed to produce a copy of this judgment before the 2nd respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp